

**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED NEW REGULATION,**

*20.2.50 NMAC – Oil and Gas Sector – Ozone Precursor Pollutants*

**No. EIB 21-27 (R)**

**THE NEW MEXICO ENVIRONMENT DEPARTMENT'S  
MOTION TO REOPEN AND SUPPLEMENT THE RECORD**

Pursuant to the New Mexico Environmental Improvement Board's Rulemaking Procedures at 20.1.1.307 NMAC, the New Mexico Environment Department ("Department") moves to reopen and supplement the record in this proceeding. Due to an oversight by counsel, the Department failed to present testimony and supporting exhibits regarding public notice of the rulemaking hearing in this matter. The Department provided such notice as required under the New Mexico Air Quality Control Act, NMSA 1978 §§ 74-2-1 to -17, the New Mexico State Rules Act, NMSA 1978, 14-4-1 to -11, and the Board's Rulemaking Procedures at 20.1.1 NMAC. However, the Department failed to include the evidence of such notice in its case before the Board. Because such notice was in fact provided in a timely fashion, there will be no prejudice in allowing the evidence of such notice to be admitted into the record. Further, because the parties have not yet filed their closing arguments and proposed statements of reasons, if any party has an issue with the notice as evidenced by the attached testimony and exhibits, such issues can be addressed in the post-hearing submittals.

Therefore, in order to ensure a complete record, the Department requests that the record in this proceeding be reopened for the limited purpose of admitting the following supplemental Exhibits relating to public notice of the hearing, which are attached hereto:

NMED Exhibit 111    Supplemental Direct Testimony of Elizabeth Bisbey Kuehn  
(Public Notice)

NMED Exhibit 112	EIB 21-27 (R) - Notice of Rulemaking Hearing – Ozone Precursor Rules (English)
NMED Exhibit 113	EIB 21-27 (R) - Notice of Rulemaking Hearing – Ozone Precursor Rules (Spanish)
NMED Exhibit 114	Affidavit of Publication – New Mexico Register Issue 12 (June 22, 2021)
NMED Exhibit 115	Posting of Notice of Rulemaking on New Mexico Sunshine Portal (June 22, 2021)
NMED Exhibit 116	Affidavit of Publication – Albuquerque Journal (English) (June 22, 2021)
NMED Exhibit 117	Affidavit of Publication – Albuquerque Journal (Spanish) (June 22, 2021)
NMED Exhibit 118	Affidavit of Publication – Carlsbad Current Argus (English) (June 22, 2021)
NMED Exhibit 119	Affidavit of Publication – Carlsbad Current Argus (Spanish) (June 22, 2021)
NMED Exhibit 120	Affidavit of Publication – Farmington Daily Times (English) (June 22, 2021)
NMED Exhibit 121	Affidavit of Publication – Farmington Daily Times (Spanish) (June 22, 2021)
NMED Exhibit 122	Affidavit of Publication – Hobbs Daily News Sun (English) (June 22, 2021)
NMED Exhibit 123	Affidavit of Publication – Hobbs Daily News Sun (Spanish) (June 22, 2021)
NMED Exhibit 124	Affidavit of Publication – Santa Fe New Mexican (June 22, 2021)
NMED Exhibit 125	Notice of Rulemaking Hearing sent to New Mexico Tribes (June 22, 2021)
NMED Exhibit 126	Notice of Rulemaking Hearing sent to New Mexico Land Grant Council (June 22, 2021)

The Department sought the position of the other parties prior to filing, and no party objected to this Motion.

Respectfully submitted,

NEW MEXIC ENVIRONMENT DEPARTMENT  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *The New Mexico Environment Department's Motion to Reopen and Supplement the Record* was filed with the Environmental Improvement Board Administrator and served on the following via electronic mail on December 10, 2021.

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